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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 FRANK PATE,
12 LEILA RANZI-PATE,

13 Plaintiff,

14 vs.

15 LAURA CHENG

16 Defendant

NO. C-10-03968 JSW

DEFENDANT LAURA CHENG'S
REPLY TO PLAINTIFF'S
MEMORANDUM IN RESPONSE TO
DEFENDANT'S MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM

Date: May 13, 2011
Time: 9:00 A.M.
Dept: Courtroom 11, 19th Floor
Judge: The Honorable
Jeffrey S. White

17 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

18 Plaintiffs' complaint, their opposition to the motion to dismiss, including
19 their Exhibit A to their opposition, amount to nothing more than a not so veiled
20 threat that Ms. Cheng had better dismiss her Texas state court loan enforcement
21 action least Plaintiffs see to it that she be prosecuted criminally and/or civilly by
22 the government.

23 Plaintiffs have articulated no basis for jurisdictional standing, any factual
24 basis for any claim of actual damages caused by the defendant, or any actual
25 controversy between the plaintiffs and the defendant apart from the pending
26 Texas state court litigation.

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1 Finally, the plaintiffs' request for an advisory opinion "to ensure that NO
2 laws have/will been (sic.)/be breached by Plaintiffs" is of no concern to this
3 defendant, nor should it be of this Court.

4 If the Plaintiffs want an advisory opinion they should hire a lawyer rather
5 than file baseless federal actions seeking to deputize the Court as their
6 advocate.

7 For these reasons, and the reasons set forth in the motion, this case
8 should be dismissed outright and without further argument or hearing.

9 Dated: April 22, 2011

LAW OFFICES OF
WALTER C. COOK

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11 By: 

12 Walter C. Cook
13 Attorney for Laura Cheng
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PROOF OF SERVICE

I, Walter C. Cook, do hereby declare:

I am employed in the City and County of San Francisco, my business address is 1500 - 20th Street, San Francisco, California 94107, and I am not a party to this action. On this date I served:

DEFENDANT LAURA CHENG'S REPLY TO PLAINTIFF'S
MEMORANDUM IN RESPONSE TO DEFENDANT'S MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM

by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as set forth below.

by personally delivering a true copy thereof to the person at the address set forth below:

by giving a true copy thereof enclosed in a sealed envelope to Black Dog Messenger Service for personal service on the persons addressed below:

Frank Pate
9607 Spring Dr
Frisco, TX 75035

frankpate@theinfinitycompanies.com

Leila Ranzi-Pate
9607 Spring Dr
Frisco, TX 75035

Leila@leilaranzi.Com

Leila Ranzi-Pate
411 Preston Rd.
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Frisco, TX 75034

Leila Ranzi-Pate
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Prosper, TX 75078

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 22, 2011, at San Francisco, California.


Walter C. Cook